

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
v.) Cause No. 1:13-cr-0113-SEB-TAB
)
)
ALEXANDER EUGENE HILL,) - 01
)
)
Defendant.)

AMENDED REPORT AND RECOMMENDATION

On July 20, 2017, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on July 11, 2017. Defendant Hill appeared in person with his appointed counsel Dominic Martin. The government appeared by Barry Glickman, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Brent Witter.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Hill of his rights and provided him with a copy of the petition. Defendant Hill orally waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Hill admitted violation 1. [Docket No. 14.]
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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- | | |
|---|---|
| 1 | “The defendant shall refrain from any unlawful use of a controlled substance.” |
|---|---|

On May 16, 2017, the offender submitted a urinalysis which returned positive for cocaine. He denied using any cocaine; however, on June 22, 2017, he admitted to using synthetic cannabinoids approximately six times over the course of the last 30 days.

On February 24, 2014, the offender submitted a urinalysis which tested positive for marijuana and opiates. The offender admitted to using marijuana, as well as taking a Vicodin which was not prescribed to him. The Court was notified of the non-compliance, and no action was taken at that time.

On January 20 and 22, 2015, the offender submitted urinalysis which tested positive for cocaine. He admitted to consuming cocaine, and he also admitted to using synthetic cannabinoids (i.e. Spice) on December 31, 2014. The Court was notified of the non-compliance, and his conditions were modified to include a period of up to 120 days of GPS monitoring.

On April 18, 2016, the offender submitted a urinalysis which tested positive for cocaine. He admitted to using cocaine. The Court was notified of the non-compliance, and his conditions were modified to include Moral Reconation Therapy.

4. The parties stipulated that:

- (a) The highest grade of violation is a Grade B violation.
- (b) Defendant's criminal history category is II.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 6 to 12 months' imprisonment.

5. Government recommended a sentence of twelve (12) months. Defendant recommended a sentence less than twelve (12) months.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be modified with no supervised release to follow. Specifically, Defendant appears to have a drug addiction problem that will be better addressed through treatment than incarceration. Defendant's drug issues are triggered by stressors in his life,

including the death of his brother and the birth of a child. Moreover, Defendant provided proof that he is employed, and incarceration will also cause him to be unable to support his family.

Defendant is to be placed at a residential reentry center until his supervised release is terminated on December 30, 2017. Defendant is to participate in a drug treatment program and/or counseling. The Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation. The defendant is to remain in the custody of the U.S. Marshals pending the availability of a bed at the Volunteers of America.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties have fourteen days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Dated: 08/09/2017

7-13L

Tim A. Baker
United States Magistrate Judge
Southern District of Indiana

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